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January 17, 2014

Environmental Management Support, Inc.
Attn: Mr. Don West
8601 Georgia Avenue, Suite 500
Silver Spring, MD 20910
Phone 301-589-5318


Dear Mr. West:

The Cheyenne River Sioux Tribe (CRST) is pleased to submit this application in anticipation of receiving funding to cleanup environmental contamination at the former Swiftbird Day School. The Tribe is greatly concerned about the health, safety, and environmental impacts posed by the hazards at the abandoned school.

The CRST Eagle Project has obtained a \$1.3 million grant to develop an eagle sanctuary facility that will house injured eagles and rehab others and is proposing to reuse the former Swiftbird Day School site for this purpose. The project will provide an opportunity to remove a contaminated building, bring the site back into productive reuse, establish a viable and sustainable project, and create jobs.

The Tribe has limited resources and many demands requesting funding for high priority programs such as health care, housing, jobs and education. With high unemployment and poverty rates, the Tribe historically ranks among the poorest counties in the State and Nation and would greatly appreciate receiving an EPA Brownfields Cleanup grant to address the current situation.

Thank you for considering our application. I have the utmost confidence in the Department of Environment & Natural Resources to manage, carry out the duties of the grant and to reduce the environmental and health impacts in relation to the former Swiftbird Day School.

Sincerely,

Kevin C. Keckler
Chairman

a. Applicant Identification

Cheyenne River Sioux Tribe; Kevin Keckler, Sr., Chairman
P.O. Box 590, Eagle Butte, SD 57625

b. Applicant DUNS number: 00-384-9833

c. Funding Requested: i) **Grant type:** Cleanup; ii) **Federal Funds Requested:** \$200,000 is requested to cleanup the Old Swiftbird Day School. The Cheyenne River Sioux Tribe is requesting a Cost-Share Waiver; iii) **Contamination:** Hazardous Substances

d. Location: The Cheyenne River Reservation is located in north-central South Dakota encompassing 4,266,987 square miles. The Community of Swiftbird is located in the eastern section of the Reservation.

e. Property name and complete site address, including zip code: The Old Swiftbird Day School is located north off Hwy 212, and west of junction BIA-7 in the Swiftbird Community on the Cheyenne River Reservation on Tribal Trust Land in Dewey County, SD 57625.

f. Contacts

i) Project Director:

Robert Smith, Brownfields Coordinator
Cheyenne River Sioux Tribe Environment and Natural Resource Department
P.O. Box 590, South Willow and Airport Road, Eagle Butte, SD 57625-0590
Phone - (605) 964-6558; Fax - (605) 964-1072; Email: nativeghost22@yahoo.com

ii) Chief Executive/Highest Ranking Elected Official:

Kevin Keckler, Sr., Chairman
Cheyenne River Sioux Tribe
P.O. Box 590, Eagle Butte, SD 57625-0590
Phone - (605) 964-4155; Fax - (605) 964-4151; kkeckler@yahoo.com

g. Date Submitted: Submitted January 22, 2014 via Federal Express

h. Project Period: June 2014 – June 2016

i. Population

i) Provide the general population of your jurisdiction.

According to 2010 U.S. Census, the population of the Reservation was 8,090. Even so, the B.I.A. labor force statistics that indicated roughly 12,000 Indians lived on the Reservation in 2006.

ii) If you are not a municipal form of government, provide the population of the target area addressed by this proposal. The population of the Swiftbird Community is approximately 135, with almost all being Tribal.

j. "Other Factors" Checklist: Population less than 10,000; Federally Recognized Indian Tribe; leveraging of funds; economic disruptions; natural disasters; mine-affected lands, and climate change issues (See Attachment 5)

Ranking Criteria for Cleanup Grants

1. Community Need

a. Target Community

Even though the Community of Swiftbird is small, it has more than its share of Brownfields sites including abandoned structures and open dumps. Many of the abandoned buildings were constructed during the time periods when asbestos building products and lead-based paint were widely used. Each year, additional buildings become abandoned as people lack the resources to appropriately deal with the contamination and deterioration issues. The Old Swiftbird Day School is one of the abandoned buildings located among community buildings and housing units. It has negatively impacted the environment, public health and is inhibiting redevelopment. The site is located near a highway that runs through the Reservation and is situated in the Missouri River Valley near the large recreational Lake Oahe. A Tribal resident has obtained a \$1.3 grant and wants to build an Eagle Sanctuary on the site. This is a terrific opportunity for the Tribe to utilize existing utilities and develop a productive enterprise that benefits eagles and other raptors, becomes an educational and tourist venture, and creates jobs and revenue for the Community and Tribe. The bald eagle is a sacred bird to the Cheyenne River Sioux Tribe and the proposed sanctuary will help reaffirm this spiritual and cultural relationship.

Demographic Information

The following table provides demographic information about that community in comparison to the Reservation, State and Nation:

	Target Community/ Census Tract	Reservation (mostly in Dewey and Ziebach Counties —includes Tribal and non- Tribal Residents)	State of South Dakota	National
Population	135 ⁵	8090 ¹	814,180 ¹	308,745,538 ¹
Unemployment	88% ⁶	15.20% ²	4.8% ²	8.2% ²
Poverty Rate		41.2% ¹	13.7% ³	15.1% ³
Percent Minority	95% ⁶	78% ⁶	13.4% ¹	26.7% ¹
Per Capita Income		\$8,774 ¹	24,110 ⁴	\$27,334 ⁴
Median Household Income		\$22,094 ³	46,369 ³	\$49,445 ³
Median Family Income		\$22,917 ³		
Other				

¹Data is from the 2010 U.S. Census data and is available at <http://www.census.gov/> ;
<http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

²Data is from the Bureau of Labor Statistics and is available at www.bls.gov

³Data is from the 2010 American Community Survey and is available at
http://www.census.gov/newsroom/releases/archives/income_wealth/cb11-157.html

⁴Data is from the U.S. Census Quick Facts 2006-2010 (2010 dollars) and is available at
<http://quickfacts.census.gov/qfd/states/00000.html>

⁵Data provided by Cheyenne River Sioux Tribe

⁶Data is from BIA American Indian and Labor Statistics Report 2005 and is available at
<http://www.bia.gov/WhatWeDo/Knowledge/Reports/index.htm>

Brownfields

Within the community of Swiftbird, the Swiftbird Day School Site lies vacant along with an abandoned trailer on the property and two other older homes on adjoining sites. Within a mile of the community is the Swiftbird Open Dump which is periodically cleaned up and posted with 'no dumping' signs. There are over 205 sites listed in the Tribal Brownfields Inventory for the Cheyenne River Reservation mostly including abandoned structures (including homes and other types of buildings) and open dumps. Because the Brownfields Coordinator has received excellent training and acquired expertise and experience, he is often asked to oversee the assessment, cleanup and disposal of many large older structures and businesses on the Reservation even when funded by non-Brownfields sources. Examples include the Old Indian Health Service Hospital, Webb's Grocery Store, the Prosecutor's Office and several Leaking Underground Storage Tanks. The Brownfields Program and the Cheyenne River Sioux Tribe Department of Environment & Natural Resources has identified and characterized over 130 illegal dumps on the Reservation. During the last year in a coordinated effort with Tribal Property and Supply, approximately 35 additional homes were identified as potential brownfields sites. The abandoned structures sites have been entered into a database and internally ranked based on the threat to health and the environment and potential for redevelopment/reuse.

Cumulative Environmental Issues

In addition to the Brownfields sites identified in the above paragraph, the Reservation has been impacted for years from mercury runoff related to the Homestake Gold Mine. There continues to be ongoing testing for high mercury readings in the Cheyenne River, downstream from the Mine. Warnings are still issued on a regular basis. The Badlands Bombing Range overlaps the Reservation and has been subject to cleanup for many years with ongoing restoration and limited funding from responsible parties at the federal level. Since the 1990's, the State of South Dakota including the Tribe have received numerous for President-Declared Disasters for flooding, droughts, and snow and ice storms. In 2009, The Reservation received Declarations for ice storms and flooding and a tornado. The Tornado hit one of the Tribal communities resulting in considerable debris that that required separation and proper disposal for asbestos, solvents, household hazardous wastes, etc. The recycle market for tires has been difficult in recent years and large amounts of tires periodically pile up at the landfill, sometimes resulting in fires.

b. Impacts on the Target Community

Possible Aggravation of Public Health Issues

Because of the deteriorating conditions of the building and being subject to vandalism and salvaging, asbestos, lead, guano and mold are being released into the environment and surrounding community. According to the Centers for Disease Control, sensitive population in the community including children and pregnant women may have potential to come into direct contact and even inhale and ingest asbestos, a known carcinogen, which can cause lung and larynx cancer. Breathing or eating lead-based paint dust in adults this may cause difficulties in pregnancy, other reproductive problems, high blood pressure, nerve disorders, memory and concentration problems, muscle and joint pain and digestive problems. In children and babies lead levels are more dangerous and include damage to the brain and nervous system, behavioral and learning problems, slowed growth, hearing problems, and headaches. Open dumps contain many unknown public health, environmental and safety hazards. Abandoned buildings and open

dumps are attractive nuisances for youth and salvagers increasing the potential to come into contact with asbestos, lead, hazardous substances, pollutants and contaminants.

Other Impacts on General Health or Welfare of Target Community

In 2011, the Tribe lost the Cheyenne River Sioux Telecommunications Network Enterprise. Approximately 30 people were employed full time receiving benefits. When the Oahe Dam was constructed on the Missouri River, the Tribe experienced a loss of fertile Reservation agricultural land and its economic benefits.

The blighted Old Swiftbird Day School property only further weakens the community shrinking population and budgetary concerns lead to consolidation of the schools. With the consolidation, jobs left the community and then it was further diffused by the abandonment of the building. The building stands abandoned with an unmonitored UST on the property. The redevelopment of the property allows for the return of jobs to the center of Swiftbird.

c. Financial Need

i.) Economic Conditions

Most of the Reservation covers Dewey and Ziebach counties, which historically are among the poorest counties in the State and Nation. According to the 2010 Census, Ziebach County had the highest poverty rate in the Nation at 50.1 percent.

BIA has not yet released the 2011 BIA American Indian and Labor Force Report, but according to information from the 2005 BIA American Indian and Labor Force Report, the population of American Indians living on or in the service area nearby the Cheyenne River Reservation and are eligible to receive BIA services suffer from an unemployment rate of 88%. The report also noted a majority of those employed are below the poverty level and the median household income was \$24,579 (1999) for the Cheyenne River Reservation. The Report also stated 37 percent of all families in Dewey County and 61 percent in Ziebach County earned incomes below the federal poverty level in 1999. While the BIA Labor Report noted the unemployment rate at 88%, the 2000 Census estimated the Cheyenne River Reservation Tribal unemployment rate at 65%. According to the Socio Economic statistics published by the Additionally, Tribal estimates vary from 65% - 80%.

Indian Health Service (IHS), American Indians in the State combat poverty, unemployment, underemployment, and inadequate health care. Poor housing and nutrition, lack of career and job opportunities exacerbate their problems. It further says that the South Dakota American Indian population is in transition: socially, economically, demographically and culturally. Although improvements have been made in high educational attainment, the drop-out rate is still high. High unemployment and underemployment persist as many are employed in the lower paying sectors. The Tribe struggles with implementing taxes and fees among its Tribal residents. It is difficult for the Tribes to borrow because of the collateral requirements, especially in that the Tribe will offer its Trust land for collateral.

ii.) Economic Effects of Brownfields

It is very difficult to convince businesses and industry to relocate or establish new enterprises in rural areas of rural states where resources and the market are limited; and transportation costs are

high due to long distances required to transport materials and goods. Although the Tribe manages to identify funding through Tribal and other resources to address some of its environmental problems, it struggles when competing with other high priority needy programs including assisting with adequate housing, jobs, education, health care, and substance abuse problems.

In the Demographic Table in Section 1a, the 2000 Census estimated the unemployment rate at 65%. Tribal estimates vary from 65% - 80%. The Department of the Interior Indian Labor Force Report estimated the unemployment rate at 88% in 2005 for the population of American Indians living on or in the service area nearby the Cheyenne River Reservation and eligible to receive BIA services. The BIA Labor Report also notes the average decade employment from 1970 through 2000 grew by 7 percent on the Cheyenne River Reservation, though the growth occurred primarily in the second half of that time period. These percentages are found by calculating the growth between the average employment level for an entire decade with the average employment level of the next. For the nine surrounding counties, average decade employment grew nearly 30 percent from the 1980s to the 1990s, and for South Dakota as a whole, by an impressive 47 percent and yet the Reservation only grew by 7 percent. Also note from the Demographics Table, the Median Household Income of the Reservation is approximately $\frac{1}{2}$ the State and National levels and Per Capita Income is $\frac{1}{3}$ the State and National levels.

The 2000 Census reported the net migration for the Reservation was a negative 767 people. Although the 2000 Census reported the population increased by 10%, it was due to increased births. In the decade from 1990-2000, the U.S. Census showed a population growth of 10 percent for the Reservation outpacing South Dakota's growth by 2 percent. The Tribe has little industry and job opportunities and when the national or regional economy worsens as it has the past few years, Tribal members out of work return to their homeland. When this happens, Tribal resources are stressed as an increased number of people rely on support services.

The economy is largely an agrarian farm/ranch and service based. Therefore, welfare is an important source of income for many families of unemployed Indians, and the economy is quite active on the first day of the month when checks are issued. Later in the month, the economy slows as people struggle to survive on the meager income. The BIA Labor Force Report also noted a majority of those employed are below the poverty level and the median household income was \$24,579 (1999) for the Cheyenne River Reservation. The Report also stated 37 percent of all families in Dewey County and 61 percent in Ziebach County earned incomes below the federal poverty level in 1999. The BIA Labor Force Report stated 37 percent of all families in Dewey County and 61 percent in Ziebach County earned incomes below the federal poverty level in 1999.

The Tribe does not receive enough funding under the Tribal Response Program to conduct assessments and cleanup of all its Brownfields sites, currently listed over 180. In recent years, many buildings have burned, which doesn't burn up the asbestos and lead, but only releases the contamination in smaller particles into the environment. Additionally, the Tribe applied unsuccessfully at first, and then obtained a Hazardous Waste Management grant to cleanup fourteen open dumps out of 130. Of course, it will take time, resources and a continued educational outreach program to deal with the old buildings and open dumps.

Funding has been used from the Brownfields Tribal Response Program to conduct a Phase I and Phase II Assessment on another abandoned school that was cleaned up with funding from a competitive Brownfields Cleanup grant. Even though the Tribe has received Brownfields 128(a) funding for several years, it mostly funds the staff to develop the Tribal Response Program. The Brownfields 128(a) funding has been decreasing in recent years making it difficult to conduct assessments and cleanups without identifying support from other resources. Additionally, the Tribal Brownfields staff has been increasingly providing oversight on assessment and cleanup projects funded by other Tribal programs and federal agencies.

2. Project Description and Feasibility of Success

a. Project Description

The Old Swiftbird Day School is conveniently located a short distance off of Highway 212, in the Swiftbird Community on the Cheyenne River Reservation, making it a prime redevelopment site. Due to deteriorating conditions, vandalizing and salvaging issues; and since the building contains asbestos, lead, guano, and mold; it is not cost-effective to renovate the structure.

A Tribal member has applied for a grant and has made a proposal to redevelop the site into an Eagle Project Sanctuary that will rehabilitate eagles and house ones that are not able to be released back to nature. Along with being a re-development project, the Eagle Project Sanctuary also re-develops approximately the same footprint as the impacted site. The proposed redevelopment will be able to take advantage of the existing infrastructure including water, sewer, electricity, and roads. The CRST Eagle Project proposes to build three 20' x 150' sanctuary structures and administration building. The sanctuary will be able to house injured eagles and other types of raptors. The area is an ideal natural habitat for eagles and raptors because of the natural breaks of the Great Plains leading to the Missouri River Valley. The nearby vast Oahe Dam and Reservoir provide an ample food source of fish and rodents. The CRST Eagle Project can be an educational and cultural resource and a tourist draw.

i.) Existing Conditions

The school is a two-level structure with the first level (cement daylight basement) approximately 52 inches above the ground and 4' below grade, erected on a concrete slab. The second level is constructed of wood frame. Painted wood shingles cover all exterior walls and exhibit the typical peeling and flaking associated with lead-based paint. Snakes were reported living under foundation. The school is in deteriorating condition, has been broken into, vandalized and salvaged and is releasing asbestos, lead, guano and mold to the environment.

A gravel road leads west off of BIA-7. Branching north and south from BIA-7 is a u-shape driveway that runs in front of the school and adjoining health clinic. In 1979, the area was connected to the Tri-County water system. Prior to that time, water was hauled from the river. An old cistern is located directly southeast of the building. Septic tanks are connected to a sewer system that runs north to a pond/lagoon system. An underground fuel storage tank approximately 17' x 51" (2000 gallons) was located to the east of the school outside the boiler room. It was removed in August 2012 along with an identical tank that was also removed from the now demolished White Horse Day School. The removal was paid for by BIA. A discarded trailer home has been abandoned and placed approximately 30' behind the school.

An asbestos inspection of several buildings including the Swiftbird Day School, was conducted prior to the transfer of the building from BIA to the Tribe by Gary N. Snow (certified asbestos inspector) in June 1995. Suspected asbestos samples were collected and sent for laboratory analysis and documented in a report. No remediation was performed.

An ASTM Phase II Environmental Assessment was conducted by a certified contractor in August 2012. The assessment detected Asbestos Containing Materials (ACM) in floor tiles and mastic throughout the lower level and stairway. ACM was also found in the tar of the roofing materials. Mold was observed in several areas of the basement rooms. Guano was throughout the building. Lead-based paint detected above EPA action levels was found on all exterior shingled siding and trim. The Tribe is proposing to remediate the contamination, demolish the building to reach all of the contamination, recycle what is possible and properly dispose of the contamination and debris.

ii.) Proposed Cleanup Plan

A cleanup plan will be developed using EPA guidelines that will include at a minimum remediation strategies, cleanup phases, closure concepts, milestones, a community outreach component, protection for the environment and public health, and detailed costs. The remaining cleanup will consist of asbestos abatement of the exterior siding (which covers the entire building) and UST removal, demolition of the building to reach contamination that is difficult to reach and/or has penetrated building products, and proper transport and disposal of the contamination and contaminated debris. From other projects, large costs have been incurred for the transport and disposal of contamination and contaminated debris and we expect the same for this project. The Agreement with the contractor, which will be coordinated with Tribal Employment Rights Office (TERO), will require the hiring of qualified Tribal workers when possible. It will also require confirmation sampling activities to be conducted after the cleanup is completed. This will include retesting the area to determine if the lead dust contamination still exists, re-sampling the soil following removal of the asbestos siding on the exterior of the building, and testing the soil for petroleum products after the UST is removed. The Brownfields Tribal Response Program has developed a form that will be completed after the confirmation sampling is finished that will be signed by the Tribal Brownfields Program/ Environmental and Natural Resource Department verifying that the cleanup was completed and certain procedures and processes were followed. If any Institutional Controls are necessary, they will be recommended on the signed form. The form will then be presented to the Land and Natural Resources Committee, which makes recommendations to Tribal Council. It will also be given to the District Representative of the Swiftbird Community. As a result, the assessment and cleanup and any recommended Institutional Controls will be recorded with the Land and Natural Resources Committee, the Tribal Council, the Swiftbird Community and also kept in the official files of the Tribal Brownfields/Environment and Nature Resource Department. It is anticipated that all contamination will be cleaned up and Institutional controls will not be necessary. A separate Community Outreach Plan will be prepared using EPA's guidelines that will cover all aspects of community outreach.

b. Task Descriptions and Budget Table

Task Descriptions

Please note most of the grant funds will go to pay a certified contractor to cleanup and properly dispose of the contamination and debris. The Brownfields Coordinator position will manage the grant and oversee the activities. Below is detailed information for each Task.

Cleanup Planning - Develop a cleanup plan that will include remediation strategies, remediation cleanup options, cleanup phases, closure concepts, milestones, community outreach component, protection for the environment and public health, and detailed costs.

Site Cleanup - RFP will be issued and a certified contractor will be hired to conduct remediation and demolition and/or disposal of the asbestos, lead-based paint and other contaminants and conduct confirmation sampling. The contractor will hire any necessary subcontractors, be required to work with TERO and hire qualified Tribal members to assist with the cleanup. It will be necessary to demolish the structure to reach all of the contamination. Community Involvement - A Community Outreach Plan will be developed. The Tribal Environmental Administration staff will involve the community through the planning and cleanup stages. This will include interactions at various Tribal meetings and distribution of outreach materials.

Reporting - This will include writing grant progress reports, FSRs and a final report. Reports will include accomplishments on the tasks, budget expenditures, difficulties, changes in SOW, and other requirements of the cooperative agreement including entering data into ACRES Database.

Follow up - Letters will be written to Tribal Realty, Land and Natural Resources Committee, and Community documenting the cleanup and if any Institutional Controls are necessary.

Cost Share – The Cheyenne River Sioux Tribe Solid Waste Department will provide the cost-share funded through the Solid Waste Collection Fee System. We are also submitting a Hardship Waiver with the grant application in lieu of the Tribal Solid Waste Program covering the cost share as this will be on burden on the Tribe because it takes time away from normal usage of the Solid Waste Equipment.

A Workplan will be developed with the EPA Region 8 Project Manager and will include reporting progress on the Outputs and Outcomes listed below. The Brownfields staff will oversee all of the cleanup activities including keeping a daily log, taking pictures, monitoring the contractor's work, keeping the public informed, reporting to Tribal Council and the Land and Natural Resources Committee, and pertinent Tribal programs and resolving any issues. Below are short and long term Outputs and Outcomes.

Output	Outcome
Planning: <ul style="list-style-type: none">• Develop Cleanup Plan.• Develop Remediation Plan Details & Cleanup options.	Planning: <ul style="list-style-type: none">• Increased ability for Tribe to oversee proper cleanup in compliance with regulations.• Increased ability for Tribe to conduct efficient & effective cleanup- saves money, protects health & environment.

Output	Outcome
<ul style="list-style-type: none"> • Develop QAPP, if necessary. 	
Cleanup: <ul style="list-style-type: none"> • Number of sites cleaned up. • Number of contaminants removed/remediated. • Conduct confirmation sampling. • Implement Institutional Controls. • Recycle debris. • Require contractor to hire qualified Tribal laborers. 	Cleanup: <ul style="list-style-type: none"> • Increased acres ready for recreational/greenspace to encourage healthy lifestyle and better environment. • Decrease in contaminants affecting health and the environment. • Increased acres brought into Tribal land. • Increase in ability to document cleanup was completed. • Increased ability to implement reuse restrictions. • Increased savings in recycling debris. • Decrease in debris using up landfill space. • Increased jobs/wages for Tribal workers.
Public Involvement: <ul style="list-style-type: none"> • Develop Public Outreach Plan. • Hold public meetings. • Enlist partners/stakeholder. 	Public Involvement: <ul style="list-style-type: none"> • Increased ability to deliver effective outreach information. • Increased number of people aware of environmental issues. • Increased ability to achieve results with expanded support.
Reporting: <ul style="list-style-type: none"> • Develop and submit reports. • Submit summary cleanup report for BIA Realty and Land and Natural Resources Committee that also notes ICs. 	Reporting: <ul style="list-style-type: none"> • Increased ability for Tribe to report on accomplishments and track progress. • Increased ability for EPA to track progress. • Improved documentation on history of site and improved ability to appropriately redevelop/reuse site.

Budget Table

Budget Categories	Project Tasks					
Programmatic costs only	Cleanup Planning	Site Cleanup	Community Involvement	Reporting	Follow-up	Total
Personnel	Leveraged from Brownfields Coordinator Position					0
Fringe Ben.	Leveraged from Brownfields Coordinator Position					0
Travel	Leveraged from Brownfields Tribal Response Program					0
Equipment	0	0	0	0	0	0
Supplies	1,000	1,000	1,000	Leverage Br.	Leverage Br.	4,000
Contractual	2,000	194,000	1,000	Leverage Br.	Leverage Br.	197,000
Other						
Sub Total	3,000	195,000	2,000		0	200,000
Cost Share	0	40,000	0	0	0	40,000
Total	3,000	235,000	2,000	0	0	240,000

Equipment usage, O&M and labor donated from Cheyenne River Sioux Solid Waste Department

- Front End Loader - \$300/hr. x 45/hrs. = \$13,500
- 2 Dump Trucks - \$190/hr. x 30/hrs. x2 trucks = \$11,400
- Truck and 40' flatbed Trailer - \$225/hr. x 30 hrs. = \$6,750
- Bucket Truck with Basket - \$80/hr. x 10 hrs. = \$800
- Mobile Crane - \$80/hr. x 8/hrs. = \$640.
- Tipping fee reduction at Tribal landfill for construction debris = estimated savings of \$6,910
- **Total = \$ 40,000**

It is estimated the \$200,000 Brownfields Cleanup grant will cover the cleanup costs, especially since the personnel, fringe, travel, reporting and oversight time will be assumed by the Brownfields Coordinator's position. Based upon previous cleanup projects, we expect the transport and disposal of contamination and contaminated debris to be high. The Brownfields Coordinator will implement and discuss with the community any Institutional Controls required on the site and how they may impact future use.

c. Ability to Leverage

Leveraged resources will come from the Brownfields Coordinator contributing his Salary and Fringe time to overseeing all aspects of the cleanup. This will include implementing all aspects of the cleanup including developing a Community Involvement Plan and conducting outreach activities, issuing an RFP, writing the Agreement with the selected contractor, reviewing the contractor's Cleanup Plan, overseeing the cleanup, reviewing the contractor's reports, writing progress reports to EPA, overseeing confirmation sampling, documenting any necessary Institutional Controls. All supplies needed throughout the project and travel to meetings and the site will be leveraged from the Brownfields 128(a) Tribal Response Program budget.

3. Community Engagement and Partnerships

a. Plan for Involving Community and Other Stakeholder and Community Project Progress

Last year, the Brownfields Coordinator attended two District Meetings to discuss the fate of the Old Swift Bird Day School and applying for a Brownfields Cleanup grant. The District has expressed its desire to continue to be involved in the cleanup of the school and redevelopment options. Normally, the District holds monthly meetings and the Tribal Brownfields Coordinator will be able to attend the meetings. Additionally, a Community Outreach Plan will be prepared prior to conducting the cleanup. It will include internal Tribal communication procedures as well as guidelines recommended by EPA. As with any large projects, the Tribal Council, Tribal Administration, pertinent Departments and the community will be informed of the progress and included in decisions. The Brownfields Coordinator has experience with other community outreach activities including an environmental youth education program in the schools. In the past, the public has been notified of projects through local newspapers (West Rive Eagle news and the Timber Lake Topic), cable TV public advertisement component, through flyers and by contacting District Representatives and Tribal Council.

b. Partnerships with Government Agencies

The Tribal Brownfields Program and Environmental Department often work with the Tribal Health Service on joint efforts such as identifying young children who may have lead poisoning. While the Tribal Health Service treats the children medically, the Tribal Environmental Department attempts to educate the public and provide information on lead remediation to families, schools and other places where lead may be present. The Tribal Brownfields Program and Environmental Department also work with Tribal Housing in dealing with the lead issue. Prior to and during the cleanup of the Old Swiftbird Day School, and will interact with the Tribal Health Department to assure that the cleanup is protective of public health. All environmental projects are reviewed by the Environment and Natural Resources Committee and then forwarded to Tribal Council for approval. When conducting projects in communities on the Reservation, all of the activities and meetings are coordinated with the District Representative in order to inform and gather input from the local community. A Cleanup Plan will be developed using EPA guidelines that will be protective of health and the environment. It will outline how the workers and anyone nearby will need to be protected during the cleanup activities as well as correct disposal procedures so the environment will be protected. Appropriate requirements under OSHA, EPA and the Tribe will be followed.

Other relevant tribal, federal, and state governmental agencies;

Cheyenne River Property and Supply –The Cheyenne River Sioux Tribe Property and Supply Program oversees the status and maintenance of Tribal structures on the Reservation. Because the Reservation has such a large number of older buildings and residences, it has become a real challenge to identify resources to maintain and remove, when necessary, the multitude of buildings. It also has become increasingly difficult to find funding to deal with contamination, especially lead and asbestos, in the structures. In the last few years, the Brownfields and Property and Supply Programs have been working together to coordinate resources and better address these problems. Both have worked together on several environmental assessments and cleanups of older structures. The Property and Supply Program can provide oversight in coordination with the Tribal Brownfields Program on the cleanup of the old Swiftbird Day School. **Contact:** Director Lou Mendoza (605) 964-4155.

Cheyenne River Sioux Environment and Natural Resources Committee - It is the responsibility of the Environment and Natural Resources Committee to provide oversight for the environment and public health and to oversee projects related to the environment and natural resources of the Tribe and Reservation. The Committee reviews projects and makes recommendation on the project and to Tribal Council. **Contact:** Chairperson, Rymand LeBeau (605) 964-6685.

Cheyenne River Sioux Tribal Council - The Tribal Council is made up of representatives from each community and not only serves as the administrative body of the Tribe but also in representing local concerns. Because the Tribe and especially the small Community of Swiftbird does not have community groups other than District 6 Meetings, we feel that the Tribal Council serves a role as a community group. The Tribal Council will be kept apprised of activities, provide input and grant approval for cleanup of the Old Swiftbird Day School. Also, see

Attachments for Resolution by Tribal Council approving submission of this Cleanup Grant.
Contact: Chairman, Kevin Keckler, Sr.

EPA and IHS Circuit Riders - As with our Tribal Response Program grant, regular coordination will occur with the EPA Region 8 Project Manager in developing a Workplan, Cleanup Plan and submission of Progress Reports and other work products. In 2013, the TRP program inventoried 42 structures for consideration for demolition and disposal by EPA's Emergency Response Program. Of the 42 sites, the TRP program was able to prioritize 20 sites and two were demolished by the current owners.

We also regularly interact with IHS Circuit Riders who assist with the Brownfields and Solid Waste Programs. EPA and the Circuit Riders can help with writing RFPs and Agreements, provide technical assistance through all the cleanup stages, review reports, and help with developing flyers and PowerPoint success stories. They can also review progress to make sure we are addressing required and allowable Tasks.

c. Partnerships with Community Organizations

CRST Eagle Project – Our major partner for the cleanup of the Old Swiftbird Day School is the CRST Eagle Project, which wants to build a sanctuary for eagles on the site. The Tribal Equitable Compensation Act (TECA) has committed \$1.3 million towards the CRST Eagle Project. The source of TECA's funding is from interest earned under the Missouri River Basin Pick-Sloan Plan of the 1944 Flood Control Act, which provides federal compensation to the Cheyenne River Sioux Tribe from the relocation of the old Cheyenne River Tribal Agency because of the Missouri River dam projects. **Contact** – Keith Annis, Project Director (605) 964-6961.

Swiftbird-LaPlant Community District 6 - Another partner for the cleanup of the Old Swiftbird Day School is the Community itself. We will schedule additional meetings and relay and gather information through the District Representative. District Meetings are generally held monthly and special meeting can be arranged. The District will provide input on the cleanup and redevelopment of the site and supports the Eagle Sanctuary that been proposed for the site and a grant has been received to implement the project.

Contact: Deanna LeBeau, District Representative (605) 964-4155.

4. Project Benefits

a. Health and/or Welfare and Environment

Land use in the immediate vicinity of the property consists primarily of residences, with a health clinic to the southeast. The nearest homes are across the street to the north. Agricultural land use dominates beyond the residential areas of the community. A certified contractor hired to conduct the removal will use safety procedures established under Laws, Regulations and Standards to contain the asbestos. This may include wetting the area down and encapsulating it. Depending upon the recommendations of the contractor, people may be asked to leave the area for a while. The contractor will be certified in Health and Safety procedures for handling of asbestos, lead and other contaminants. The certified contractor will most likely bag-up what is called friable asbestos in a secure manner and take it to a landfill that accepts asbestos. The workers collecting the asbestos will most likely be wearing negative air pressure breathing apparatus so they won't

breathe the asbestos fibers into their lungs. The contractor will be required to submit a cleanup and disposal plan to TERO and receive approval before starting the cleanup. Confirmation sampling procedures will be conducted after the cleanup to be sure that the asbestos and other contaminants are removed or appropriately dealt with. There will be a Cleanup Plan developed before the remediation begins that will cover all aspects of the cleanup and address all potential situations. The Brownfields Coordinator has also received training in Asbestos, Lead Remediation and 40-Hour OSHA. He has experience in overseeing other site cleanups. His training and past cleanup projects provide excellent experience to oversee the contractor's work and activities related to the Old Swiftbird Day School cleanup.

b. Economic Benefits from Infrastructure Reuse/Sustainable Reuse

i. Planning, Policies or Other Tools

As a part of siting a new facility, reuse of an existing site is always a consideration. Unfortunately, the Reservation is not as propitious as the surrounding area with development/redevelopment and growth of industry and commercial interests. When an opportunity arises for redevelopment, the Tribe acts upon it. The CRST Eagle Project allows for redevelopment of a site within Swiftbird or development of an undeveloped track of land outside the community. This effort of a cleanup grant is very much an act of planning to promote sustainable reuse.

ii. Examples of Efforts

In 2010, we received a competitive Brownfields Cleanup grant for the Old Whitehorse Day School. Under this Brownfields Cleanup Grant, the Tribe issued an RFP and hired a certified contractor to remediate the remaining contamination, which included asbestos siding shingles that cover the entire building, some lead paint, and removal of an underground fuel tank. In order to reach all of the contamination, it was necessary to demolish the building and properly dispose of the contamination and debris. A new Head Start center has been constructed on the site. Public meetings were held to announce and discuss the cleanup. All reports and processes were completed and the grant was properly closed out. A summary letter detailing the cleanup and noting Institutional Controls were not recommended since all the contamination was removed was provided to the BIA Realty Office and Land and Natural Resources Commission, both of which record land transactions. All information has been entered into ACRES.

The CRST acted as the prime contractor in the cleanup of open dumps on the Reservation per IHS project AB-08-D21, which cleaned up various open dumps on the reservation. The CRST also provided independent Tribal oversight on the demolition of the IHS hospital and adjacent apartment building which will help to unrestricted redevelopment conditions at the site.

c. Economic and Community Benefits

i. Economic or Other Benefits

The Old Swiftbird Day School is not only an eyesore for the community and an attractive nuisance for youth, but it poses a risk to the public health and environment. Currently, the structure is not safe and snakes live under and in the building. Until another structure is built on the site, the property can serve as greenspace for the Community and a place for children to run and play games. It can also be a community gathering point for picnics and place to walk for added health benefits.

A major benefit of reuse of this site is the prior development of roads, water, and sewer. BIA Road 4 runs parallel along the property. A driveway leads to the site with a parking area. The water and sewer lines run to the site. Electrical lines run to the property. As the building is demolished and removed, materials will be recycled including metal and useable wood and therefore reduce debris going into the landfill. If the foundation is not saved, it possibly could be crushed and used for cover on roads and parking areas, perhaps the driveway and parking area for the adjoining buildings. As a new homes or another structure is put on the site, green concepts such as solar, green roofs and other energy saving features will be encouraged.

Climate Change Impacts

The bald eagle is a sacred bird to the Cheyenne River Sioux Tribe and the proposed sanctuary will help reaffirm this spiritual relationship. Decreased reliance on the natural world has created a detachment with our young people and these messengers of the spirits. More than symbolically, we hope that care of these messengers can help guide us in the 21st Century. This sanctuary will provide educational resources and enjoyment to area schools, residents of the reservation, and promote tourism. Twenty years ago, it was uncommon to see a bald eagle on the Cheyenne River Reservation, and today the chances are better. The same can be said about Golden Eagles, with travelers witnessing the eagles feasting on road kill carcasses on a daily basis. Just as Bald Eagles populations have recovered across the nations from severe population declines, those and other raptors face new threats from climate change and man's impact on the earth. So called green energies of hydroelectric and wind energy negatively affect eagles also. In many ways we have sacrificed eagles for energy; either will raptor kills in wind turbines or decreased habit along the unnatural shorelines of dammed rivers. But above all others, climate change may affect the eagle the most. Climate change is already affecting overwintering eagles in the Puget Sound area in warming the salmon carcasses to the point of rotting which results in 11% to 14% less biomass available, (Modeling climate change impacts on overwintering bald eagles, Chris J Harvey and others). This trend studied in one harbor of the United States, has far reaching consequences. But on the other end of the spectrum, the ability to save the lives of injured raptors has increased in the recent decades. It is very much our duty to help these messengers in the next era of the earth.

ii. Job Creation and Potential Partnerships with Workforce Development Programs

The Cheyenne River Sioux Tribe Work Force Development Initiative works in conjunction with the Community Learning Centers Initiative to prepare our people for a life of self-sufficiency by focusing on education as the foundation for job readiness. Through a partnership with the Cheyenne River Housing Authority, Reservation residents are able to participate in a self-paced Adult Education/GED training program at one of the various Community Learning Centers throughout the reservation. Since 2008, 61 individuals have graduated with their GED through this Program.

The CRST Eagle Project is proposed to create 4 jobs on the reservation include (1) director/educational coordinator, and (3) raptor caretakers. Given the size of the community and unemployment rates in the area, this project would have a major affect in the Swiftbird local.

When we hire contractors to conduct cleanups, we require them when possible to use Tribal workers. Working through our TERO Program to identify qualified workers will allow more Tribal residents to be employed. Similar projects have employed approximately six - eight Tribal workers. It is located right in the middle of the community near other buildings and homes and is a prime spot for redevelopment. By cleaning up the site, demolishing the building to reach contamination and properly disposing of the debris, pursuing the Community's wishes of exploring multiple uses of the site can be done. There is always a need to identify sites for new homes, especially where the infrastructure is in-place. This project will also allow the land to come back into productive reuse.

5. Programmatic Capability

a. Programmatic Capability

The Tribal government employs over 500 people and operates an annual budget that exceeds \$15 million. The Department of Environment & Natural Resources manages approximately \$650,000 per year in grants from EPA. The Director of the Department of Environment & Natural Resources, has worked there for eighteen years and served as Director for seventeen years and manages a staff of 32 persons. The Brownfields Coordinator has received training in OSHA 40-Hour, Lead Inspector, Risk Assessor and Supervisor Contractor; and Asbestos Inspector, Management Planner for Asbestos, Supervisor Contractor for Asbestos, ASTM Phase I, and has conducted other environmental assessments and cleanups. A second Brownfields Employee is learning the Brownfields Program. This person will assist the Brownfields Coordinator and be a backup to assure continuity in the Program activities. Many of the Tribal staff are crossed trained to assist each other and able to assume duties if personnel leave. Under the EPA General assistance Grant (GAP), we developed solid waste codes in 1993 with updated revisions in 2004 and have conducted enforcement actions. The Integrated Solid Waste Management Plan was updated in 2008. Additionally, the Tribal Environmental Department has had experience in enforcing pesticide regulations such as requiring a non-Indian to remove and cleanup pesticides containers that contained highly toxic residues from non-Indian lands dumped in a watershed that lied less than one mile from a Tribal Housing project. The Tribal environmental and solid waste staffs are provided training pertinent to carry out their duties. Much of the training is certified such as OSHA 40-Hour Hazardous Waste Operations and numerous solid waste courses offered under Solid Waste Association of North America (SWANA), Lead and Asbestos Training, etc. Even though the staff is well-trained, the Tribes lacks equipment to carry out large cleanup projects and oversees certified contractors to complete the tasks. Updated staff training and experience allows for competent oversight of contractors.

b. Audit Findings

Both the Tribe and Department of Environment & Natural Resources are audited on a regular basis. Currently the Department is undergoing an EPA audit of its grants. Do to the high number of grants and some irregularities in documentation; we have currently been paced on high risk. We have provided a number of documents and financial program information and have implemented revisions to our personnel and procurement procedures and are in the final stages of being removed from the high risk designation. Meanwhile, the Department has continued to apply for and receive grants from various funding agencies including EPA.

c. Past Performance and Accomplishments

i. Currently or Has Ever Received an EPA Brownfields Grant

1. Compliance with Grant Requirements

The Cheyenne River Sioux Tribe has annually received an EPA Brownfields 128(a) Tribal Response Program grant since FY2003, has completed all conditions under the Terms and Conditions of the grant and is current on all reports.

Accomplishments

Under the Brownfields 128(a) Tribal Response Program grant, we have funded two positions and have established a Public Record for announcing environmental assessments and cleanups, have created and continually updated an inventory of potential brownfields sites, provides oversight and enforcement on assessments and cleanups and verification that cleanups are completed, and conducts public outreach/education. We have completed Phase I and Phase II Environmental Assessments for a former landfill that was closed and became an illegal dump; and for an old abandoned auto dealership and maintenance building that contained lead, asbestos, mold and petroleum products in addition to hazardous products associated with vehicle maintenance and repair. The building was cleaned up, demolished and disposed of in appropriate landfills. We have conducted assessments for two abandoned schools and a grouping of abandoned homes. We have provided oversight on assessments and cleanups for several projects funded by other Tribal Programs and federal agencies. When conducting assessments and cleanups using Brownfields funding, reports such as Quality Assurance Project Plans (QAPPs), Phase I and Phase II reports, and cleanup plans were provided to EPA as the activities are conducted. Required grant documents were submitted to EPA. Additionally, we have surveyed and categorized 130 open dumps and two years ago, received BIA and IHS funding to cleanup thirteen. For a period of time, the Brownfields Positions were not all filled and because we did not spend all of the contractual funds during that time, we did not receive new funding for the next year and the balance was extended into the following year. When awarded the Old Whitehorse Day School, we successfully completed the grant conditions, and redeveloped the property. We are current on all reports, have submitted an updated information for ACRES, have provided exceptional training for the new Brownfields Coordinator.

Attachments

Attachment A	Threshold Criteria for Cleanup Grant
Attachment B	Ownership of Site
Attachment C	Letter from Tribe Environmental Authority
Attachment D	Public Notice Documentation
Attachment E	Letters of Support
Attachment F	Analysis of Brownfields Cleanup Alternatives (ABCA)
Attachment H	Justification for Cost Share Waiver

Attachment A – Threshold Criteria for Cleanup Grant

1. Applicant Eligibility

a. Eligible Entity

The Cheyenne River Sioux Tribe is a Federally recognized Tribe, whose Cheyenne River Reservation was created in 1889 by the breakup of the Great Sioux Reservation. The Cheyenne River Sioux Tribe or Cheyenne River Lakota Nation (Oyate) is made up of parts of four (the Minnecojou, Sans Arc, Blackfoot and Two Kettle) of the traditional seven bands of the Lakota, also known as Teton Sioux. The Reservation is located in north central South Dakota and encompasses Dewey and Ziebach Counties. In addition, there are small sections of off-Reservation Trust Land in Haakon, Meade, and Stanley Counties. The total land area is 4,266.987 square miles, (2.8 million acres) approximately the size of Connecticut and making it the fourth-largest Indian Reservation in land area in the United States.

b. Site Ownership

The Cheyenne River Sioux Tribe is the owner of the Old Swiftbird Day School as it is located on Tribal Trust Land in the Community of Swiftbird on the Cheyenne River Reservation. From 1960-1997, the site was held by BIA under Agency Reserve Trust Land status. During that period BIA built, maintained and ran the Swiftbird Day School.

2. Letter from the State or Tribal Environmental Authority

The applicant applying for this cleanup grant is the Tribal Environmental Authority and therefore does not need to submit a letter from the Tribal Environmental Authority.

3. Site Eligibility and Property Ownership Eligibility

a. Basic Site Information

(a) Name of site: Old Swiftbird Day School

(b) Address of site: It is located on approximately one acre of Trust Land, north off Highway 212, and west of junction BIA-7 in the Community of Swiftbird in Dewey County, South Dakota 57625 on the Cheyenne River Reservation. The Latitude is 45.08342; and Longitude is -100.42554 (on east side of building). The legal description is N2SE4SE4SE4, N2NE4SE4SE4, Section 15, Township 13N, Range 30E, and Tract 2708.

(c) Current owner of site: Cheyenne River Sioux Tribe

(d) If you are not the current owner, the date you plan to acquire ownership of the site (required for cleanup grants): N/A as the Tribe is the owner of the site.

b. Status and History of Contamination at the Site

Identify:

(a) Whether this site is contaminated by petroleum or hazardous substances: The site is contaminated by hazardous substances and potentially a small amount of petroleum co-mingled with the hazardous substances.

(b) The operational history and current use(s) of the site: Below is a chronology of uses of the site:

- 1934 – The site is located on Tribal Trust Land that was deeded to the Cheyenne River Sioux Tribe under the Act of 1934. (Legal description provided)
- Prior to 1960: Undeveloped land used for grazing and possibly farming.
- 1960 – 1996: The Swiftbird Day School was constructed and managed by the Bureau of Indian Affairs (BIA) in April 1960 and served as a K-8 school until 1997 for Tribal students who were living in the vicinity of the Community of Swiftbird on the Cheyenne River Reservation. The Bureau of Indian Affairs (BIA) built the school on Agency Reserve Trust Land. The second level was actually a structure that was transferred from the Old Cheyenne area (now flooded by Lake Oahe) and placed on a constructed daylight basement. The building was transferred from the Old Cheyenne area (flooded by creation of Lake Oahe) and placed in the community of Swiftbird on Track 2708 in April 1960. (Flooding information and date obtained through interviews)
- 1996: The Tribe accepted the building (including property) by Tribal Resolution (299-96-CR) on October 8, 1996.
- 1997: The structure and property was transferred from BIA to the Tribe in on August 1, 1997. The Swiftbird Community used the building for storage and as a gift shop for the Buffalo Tourism Project.
- 2008 – Present: The school was boarded up and abandoned.

(c) Environmental concerns, if known, at the site:

An asbestos inspection of several buildings including the Swiftbird Day School, was conducted prior to the transfer of the building from BIA to the Tribe by certified asbestos inspector in June 1995. Suspected asbestos samples were collected and sent for laboratory analysis and positively documented in a report. No remediation was conducted at this time.

In July 2012, a Transaction Screen Environmental Site Assessment was conducted that identified potential asbestos in several building materials, potential lead paint, and potential PCBs in fluorescent lights and mercury ballasts. Guano and mold were observed and it was unknown if there were issues in related to old cistern. Snakes were reported living under the foundation.

An ASTM Phase II Environmental Assessment was conducted by a certified contractor in August 2012. The assessment detected Asbestos Containing Materials (ACM) in floor tiles and mastic throughout the lower level and stairway. ACM was also found in the tar of the roofing materials. Mold was observed in several areas of the basement rooms. Guano was throughout the building. Lead-based paint detected above EPA action levels was found on all exterior shingled siding and trim. The Tribe is proposing to remediate the contamination, demolish the building to reach all of the contamination, recycle what is possible and properly dispose of the contamination and debris.

(d) how the site became contaminated, and to the extent possible, describe the nature and extent of the contamination:

Until recent years, asbestos and lead building products were typically used in structures of this period and were not recognized as being public health and environmental hazards. It became difficult and costly for the Tribe to continually maintain as the building products and the structure deteriorated over time. Although the building was boarded up and locked repeatedly, it has been broken into, salvaged and vandalized by unknown parties.

c. Sites Ineligible for Funding

The Cheyenne River Sioux Tribe affirms that the site is (a) not listed or proposed for listing on the National Priorities List; (b) not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and (c) not subject to the jurisdiction, custody, or control of the United States government. (Note: Land held in trust by the United States government for an Indian tribe is eligible for brownfields funding.)

d. Sites Requiring a Property-Specific Determination

The site does not require a property specific determination.

e. Environmental Assessment Required for Cleanup Proposals

An ASTM Phase II Environmental Assessment was conducted by a certified contractor in August 2012. The assessment detected Asbestos Containing Materials (ACM) in floor tiles and mastic throughout the lower level and stairway. ACM was also found in the tar of the roofing materials. Mold was observed in several areas of the basement rooms. Guano was throughout the building. Lead-based paint detected above EPA action levels was found on all exterior shingled siding and trim. The Tribe is proposing to remediate the contamination, demolish the building to reach all of the contamination, recycle what is possible and properly dispose of the contamination and debris.

Property Ownership Eligibility:

a. CERCLA §107 Liability

The Cheyenne River Sioux Tribe affirms it is not potentially liable for contamination at the site under CERCLA §107 (e.g., as a current owner or operator of a facility, an owner or operator of a facility at the time of disposal of a hazardous substance, a party that arranged for the treatment or disposal of hazardous substances, or a party that accepted hazardous substances for transport to disposal or treatment facilities at the site) because it is eligible for one of the CERCLA liability protections or defenses. It affirms it meets the requirements of the innocent landowner defense under (CERCLA §107(b)(3) and 101(35)(A)). It also has CERCLA liability defense in being an Indian Tribe. The Tribe and BIA took reasonable steps with regard to the contamination at the site by providing maintenance and the Tribe continually re-boarded and secured the building when determined it wasn't cost-effective to rehabilitate the structure. When the building was built, asbestos building products were not recognized as health and environmental hazards. Throughout the years, the Tribe and BIA have conducted several assessments attempting to deal with the asbestos and other hazardous substances. The Tribe has not arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site.

b. Enforcement Actions

The Cheyenne River Sioux Tribe is not aware of any ongoing or anticipated enforcement actions related to the Swiftbird Day School site. Also, it is not aware of any inquiries or orders from federal, state, or local government entities that the applicant is aware of regarding the responsibility of any party (including the applicant) for the contamination or hazardous substances at the site.

c. Information on Liability and Defenses/Protections

i. Information on the Property Acquisition

The Tribe acquired under the Act of 1934 as recognized by Treaty with U.S. Government. The site was held in Agency Reserve Trust Land status when BIA build, maintained and ran the Swiftbird Day School. The school was then transferred to the Tribe as the Swiftbird Community tried several unsuccessful enterprises and boarded up the school.

ii. Timing and/or Contribution Toward Hazardous Substance Disposal

Before the Tribe acquired the property, hazardous substances were most likely not at the site. The Tribe and BIA have not caused or contributed to any releases of hazardous substances at the site, but instead maintained the building throughout its use as a school. The Tribe and BIA were unaware until recent years that asbestos and lead posed health and environmental hazards. The Tribe was not able to obtain financing to establish a Head Start school in the building and it became difficult and not cost-effective to maintain, so it was boarded up. The Tribe hopes to receive the Brownfields Cleanup grant before the vandalism and salvaging increase and pose greater hazards to the community. Even so, unknown parties have broken into and vandalized the school causing releases of asbestos and hazardous substances. The Tribe has re-boarded and secured the building several times and posted no-trespassing signs. The Tribe affirms it has not at any time arranged for the disposal of all hazardous substances at the site.

iii. Pre-Purchase Inquiry

When the Tribe acquired the site, recognized by Treaty with the U.S. Government, it is most likely the land was in its natural state. Additionally, processes were not developed for conducting environmental inquiries. When the BIA began the process to turn the property back to the Tribe in 1995 from Agency Reserve Land Trust status, an asbestos inspection, which was typical for the time-period was conducted. It was performed by Gary Snow & Associates from Pierre, South Dakota, on July 7, 1995. Because the school had been well maintained by BIA and there was no indication that contamination had been released to the environment. It wasn't until recent years, that it became apparent and eventually regulated by Standards and Regulations that lead and asbestos could become contamination issues. Recently, the Tribe conducted updated Phase I and Phase II ASTM Environmental Site Assessments as outlined in detail in above Section e (Environmental Assessment Required for Cleanup Proposals). The Tribe affirms it has not at any time arranged for the disposal of all hazardous substances at the site.

iv. Post-Acquisition Uses

The Community tried to start several small business enterprises but was not successful and boarded up the school.

v. Continuing Obligations

The Tribe has taken reasonable steps to:

Stop any continuing releases; Prevent any threatened future release; and Prevent or limit exposure to any previously released hazardous substance: The Tribe complied by initially and continually boarding-up the windows, locking and then boarding-up the doors to the building and posting no-trespassing signs. The Tribe conducted a Phase I and II Environmental Site Assessment in order to determine the magnitude of the problem. As a result, the Tribe hopes to receive a Brownfields Cleanup grant to deal the problem and bring the site back into productive reuse.

The Tribe confirms its commitment to:

Comply with all land-use restrictions and institutional controls; Assist and cooperate with those performing the cleanup and provide access to the property; Comply with all information requests and administrative subpoenas that have or may be issued in connection with the property; and Provide all legally required notices. The Brownfields Tribal Response Program has established procedures for Public Notification and documentation of Institutional Controls. The staff has received training in OSHA 40-Hour, Lead Inspector, Risk Assessor and Supervisor Contractor; and Asbestos Inspector, Management Planner for Asbestos, Supervisor Contractor for Asbestos, has conducted other environmental cleanups. It will oversee, assist and cooperate with those performing the cleanup for the Swiftbird Day School. In addition to working with its EPA Brownfields Project Manager on conducting the Brownfields cleanup, there are numerous internal Tribal administrative processes and approval procedures that must be met in conducting cleanups such as approval for advertising and hiring of contractors; ensuring the contractor provides and receives approval for a cleanup and disposal plan from TERO; coordinating with the Tribal Historic Preservation Officer (THPO) on historic value of structures; verifying the ownership of the site from Property Supply Department; and final recommendation from Land and Natural Resources and Water and Energy Committees with approval from Tribal Council to proceed with the Project. Since the Tribe owns the property, access is not a problem.

d. Petroleum Sites

Does Not Apply.

4. Cleanup Authority and Oversight Structure

The Tribe, being a sovereign entity, has not participated in the State Voluntary Cleanup Program. Instead it will consult with EPA to ensure the cleanup is protective of human health and the environment. In addition to coordinating activities with EPA, the Cheyenne River Sioux Environment and Natural Resource Department has been working towards building its environmental capability. Several staff members have been trained and are certified in a number of environmental courses including OSHA 40-Hour HazWoper, Lead and Asbestos training, and ASTM Phase I training. The Brownfields Program has started the process of developing a Generic QAPP. Progress has been made towards establishing a Brownfields Inventory, providing oversight on several assessments and cleanups, conducting environmental outreach especially in the schools and in relation to assessments and cleanups. When hiring contractors, Federal procurement procedures (40 CFR 31.36) are followed as well as the Tribal TERO procedures. Any RFPs and Agreements or Contracts are reviewed and approved by Tribal Administration before being implemented. Our past and current Brownfields procedures include using the RFP and Agreement templates that EPA Region 8 recommended, which are then filled-out and

reviewed and internally approved by the Tribe. The RFP is distributed. The bids received are reviewed and rated by a panel and Agreement is written with the selected contractor.

Access to adjacent properties will not be a problem because they are located on Tribal Trust Land under the authority of the Tribe. Because the Old Swiftbird School is easily accessible from Reservation Road with open space around it, access is not anticipated to be a problem.

5. Cost Share

The following cost share is being provided by the Tribe:

The Cheyenne River Sioux Tribe Solid Waste Department will provide the cost-share funded through the Solid Waste Collection Fee System. We are also submitting a Hardship Waiver with the grant application in lieu of the Tribal Solid Waste Program covering the cost share as this will be on burden on the Tribe because it takes time away from normal usage of the Solid Waste Equipment.

Equipment usage, 0&M and labor donated from Cheyenne River Sioux Solid Waste Department

- Front End Loader - \$300/hr. x 45/hrs. = \$13,500
- 2 Dump Trucks - \$190/hr. x 30/hrs. x2 trucks = \$11,400
- Truck and 40' flatbed Trailer - \$225/hr. x 30 hrs. = \$6,750
- Bucket Truck with Basket - \$80/hr. x 10 hrs. = \$800
- Mobile Crane - \$80/hr. x 8/hrs. = \$640.
- Tipping fee reduction at Tribal landfill for construction debris = estimated savings of \$6,910
- **Total = \$ 40,000**

We feel the \$200,000 Brownfields Cleanup grant will cover the cleanup costs, especially since the personnel, fringe, travel, reporting and oversight time will be assumed by the Brownfields Coordinator's position. Based upon previous cleanup projects, we expect the transport and disposal of contamination and contaminated debris to be high. The Brownfields Coordinator will implement and discuss with the community any Institutional Controls required on the site and how they may impact future use.

Rather than meet the cost share requirements, the Tribe is requesting a Hardship waiver. The Cheyenne River Sioux Tribe is requesting a hardship waiver because providing the 20% match will place an undue hardship on the Tribe. The Cheyenne River Sioux Tribe resides in a historically economically depressed region in north central South Dakota with two of the poorest counties (Dewey and Ziebach) in the State located within its boundaries. Being a rural area located in a rural state, resources are limited and there are many Tribal demands competing for funding including health care, housing, education, and jobs. Additionally, the Tribe experiences high unemployment and poverty rates. (See Attachment H for Hardship Waiver Request.)

6. Community Notification

A Public Meeting was held on January 8, 2014 at 10:30 a.m. at the Cheyenne River Environmental Offices. It was advertised on the Tribal Radio Station, KLND, as most people on the Reservation listen to the radio station, but do not subscribe to a city newspapers, which originate from off the Reservation. The announcement ran continuously on January 3, 6, and 7, 2014. A year ago, the Brownfields Coordinator attended two Swiftbird/LaPlant District 6 meetings to talk about submitting a Brownfields Cleanup grant for the site. But, very few people attended and the meetings kept being cancelled. So, it was felt holding the meetings at the Environmental Offices, where District Representatives, Tribal Administration and public could attend, would be more effective. Robert Smith, the Brownfields Coordinator, led the meeting. Twelve people attended. Discussion centered on the type of contamination and how it will be removed by a certified contactor, how the structures are an eyesore structures, how difficult it is for the District and Tribe to identify funds to address the structures, and the danger of snakes dens now under the school building. The three Analysis of Brownfields Cleanup Alternatives (ABCAs) were discussed including costs, advantages and disadvantages. The group thought was very good to reuse the site and was supportive about constructing an Eagle Sanctuary on the site and how this will be good for the eagles, create jobs, educate school children and the public and attract tourists. The draft proposal was presented. The attendees were told they could comment on the draft Proposal and obtain copies from the Environmental Office. **See Attachment D for the Public Notice Flyers, Sign-In sheet, summary of comments with responses received at the meeting, and meeting notes.)**

Attachment B – Ownership of Site

CONVEYANCE FOR TRANSFER OF FEDERALLY OWNED BUILDINGS, IMPROVEMENTS OR FACILITIES

AGREEMENT NO: A00-7-002

THIS CONVEYANCE, Made and entered into this 1st day of August, 1997, by and between the Secretary of the Interior, or his delegated representative acting pursuant to the Act of August 6, 1956, 70 Stat. 1057 (25 U.S.C. 443a), and pursuant to authority delegated by the Secretary on the 17th day of November, 1981, Departmental Release Number 2364, hereafter referred to as the GRANTOR and the Cheyenne River Sioux Tribe, who have signed in acceptance, hereafter referred to as the GRANTEE.

WITNESSETH:

WHEREAS, the properties known as: White Horse, Promise and Swift Bird schools and associated buildings.

Building Numbers: 2301, 2302, 2304 and 2305 (Promise Day School)
2201, 2202, 2203, 2204 and 2206 (Swift Bird School)
304, 320, 321, 322 and 324 (White Horse School)

Herein described, is no longer needed for Administrative purposes.

NOW, THEREFORE, the aforementioned GRANTOR, for NO CONSIDERATION, in accordance with the provisions of the aforementioned Act of Congress and terms contained herein to be observed by the GRANTEE, does hereby convey, transfers, releases, and quitclaims unto the said GRANTEE, in fee, all the right, title, and interest of the United States in and to the following described real property only. NO LAND IS BEING CONVEYED, to wit:

Buildings known as: White Horse, Promise and Swift Bird schools and associated buildings.

Building Numbers: 2301, 2302, 2304 and 2305 (Promise Day School)
2201, 2202, 2203, 2204 and 2206 (Swift Bird School)
304, 320, 321, 322 and 324 (White Horse School)

WHICH IS LOCATED PRIMARILY AT: See attached legal descriptions.

THIS CONVEYANCE IS SUBJECT TO THE FOLLOWING:

- all existing easements of record or rights-of-way across said property, with the right to egress and ingress to Federal Property not conveyed under this document.
- acceptance of buildings with full and complete knowledge that the buildings do contain asbestos materials, that this information will be made available on any future conveyances by the GRANTEE and the GRANTOR will not be held liable for removal or any health or safety issues that may arise from any changes to present condition of the identified asbestos materials (see attached Gary Snow & Associates report dated July 1, 1995) and that the GRANTEE accepts the buildings identified in this document as is.

TO HAVE AND TO HOLD THE SAME, the appurtenances and privileges thereto belonging or in anywise appertaining to all the estates, right, title, and interest of the United States, either by law or equity, in possession or expectancy for the benefit of the said GRANTEE.

PROVIDED THAT, "If at any time while property conveyed pursuant to this section remains in the ownership of any Indian Tribe, Band or Group, the Secretary of the Interior determines that such property is not being adequately maintained or properly utilized by such Tribe, Band or Group or that the property creates a health or safety hazard or other undesirable condition, he may declare a forfeiture of the conveyance and the title of such property shall thereupon revert to the United States. Such determination by the Secretary shall be final."

IN WITNESS THEREOF: for and in the behalf of the United States of America, the delegated official, Acting Area Director, Aberdeen Area, of the Bureau of Indian Affairs has set her hand on the 30th day of July, 1997. The signature shall be certified by a Notary Public.

UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR

BY: Cora L. Jones
Area Director

State of South Dakota
County of Brown

BE IT REMEMBERED, That on this 30th day of July, 97
before the undersigned a Notary Public in and for the county and State aforesaid, personally
appeared Cora L. Jones to me personally known to the identical person who
executed the within instrument of writing, and such person duly acknowledged the execution of the
same as GRANTOR.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and
affixed by my seal on the day and year last hereinabove written.

Robert E. Lamm
Notary Public

My Commission Expires: 12 April 2001

Attachment C – Letter from Tribe Environmental Authority

01/21/2014 15:12 319 Non-Point Source

FAX 605 964 1072

P.005/008



Cheyenne River Sioux Tribe
Environment and Natural Resource Department
P.O. Box 590, South Willow and Airport Road
Eagle Butte, SD 57625-0590
Phone - (605) 964-6558

January 17, 2014

Mr. Robert Smith
Cheyenne River Sioux Tribe
Department of Environmental and Natural Resources, Brownfields Program
P.O. Box 590
Eagle Butte, SD 57625-0690

Re: Letter of Acknowledgment from Tribal Environmental Authority

Dear Mr. Smith:

As the Director of the Department of Environment and Natural Resources, I am writing this letter to confirm that the Cheyenne River Sioux Tribe Department of Environment and Natural Resources is the Tribal Environmental Authority. Additionally, I am acknowledging the Brownfields Program under the Department of Environment and Natural Resources is planning to conduct a cleanup of the Old Swiftbird Day School and is applying for federal funds under a Brownfields Cleanup grant.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Nelson'.

David Nelson, Director
Department of Environment and Natural Resources
Cheyenne River Sioux Tribe

Attachment D – Public Notice Documentation

The following information was given to the Tribal Radio Station KLND on December 31, 2013 and run on the air continuously on January 3, 6 and 7, 2014. On next page, see bill from Radio Station.

**Public Notice
December 31, 2013**

This notice is to notify the general public that the Cheyenne River Sioux Tribe Department of Environmental and Natural Resource - Brownfields Program, will hold a Public Meeting on January 8, 2014 at the Cheyenne River Sioux Environmental Office starting at 10:30 a.m. The meeting will discuss and accept comments on submission of a Brownfields Cleanup Grant to the Environmental Protection Agency (EPA) to cleanup the contamination, demolish to reach contamination and properly dispose of the contamination and construction debris for the Old Swiftbird Day School. A draft copy of the grant proposal will be available for review and comment at the meeting and also will be available at the Cheyenne River Sioux Tribe Department of Environmental and Natural Resource - Brownfields Program Office at South Willow and Airport Road, Eagle Butte, SD. An Analysis of Brownfields Cleanup Alternatives (ABCAs) are in the proposal and will also be discussed at the meeting. Robert Smith will be at the meeting representing the Brownfields Program. He may also be contacted at (605) 200-0529.

KLND 89.5 FM

Little Eagle, South Dakota

11420 SD HWY 63, McLaughlin, South Dakota 57642 PH: (605) 823-4661 • FAX: (605) 823-4660

INVOICE NUMBER:

Date: 1/17/14

 Bill To: CRST EPA
 ATTN: Robert Smith

 Mail To:
 KLND 89.5 FM
 11420 SD HWY 63
 McLaughlin, South Dakota 57642

Qty	Item #	Description	Unit Price	Total
1	PSA	CRST EPA 1-3 thru 1-6 17	*30.00 per day 3 days	\$90.00
Subtotal				
Shipping				
Subtotal				
Sales tax rate				
Sales tax on purchase				
Total				\$90.00

Make all checks payable to: KLND-FM Radio

 If you have any questions concerning this invoice, please contact:
 Station Manager-Darlene Situran

Thank you for your business!

Public Flyers were put in the District Representatives mail boxes and posted in public buildings:

Public Notice

January 3, 2014

Re: Swiftbird Day School

Cheyenne River Sioux Tribe

**Public Meeting for Submission of Cleanup Grant to
EPA for Swiftbird Day School**

This notice is to notify the general public that the Cheyenne River Sioux Tribe, Department of Environmental and Natural Resource, Brownfields Program, will hold a Public Meeting on Wednesday, January 8, 2014 at 10:30 am at the Tribal Environmental Office (main building) located at South Willow Street and Airport Road in Eagle Butte, SD. The meeting will discuss and gather input from the community on submission of a Brownfields Cleanup Grant to the Environmental Protection Agency (EPA) to cleanup, demolish and properly dispose of the Old Swiftbird Day School. A copy of the draft Brownfields Cleanup Grant Proposal will be available at the meeting for reviewing and commenting on and will also be available at the Environmental Office. An Analysis of Brownfields Cleanup Alternatives (ABCAs) will be discussed and available and for making commenting. Contact Robert Smith at (605) 964-6558 for more information.

Sign-In Sheet**Public Meeting to Discuss Cleanup of Old Swiftbird Day School
and Cleanup Grant being submitted to EPA****Cheyenne River Sioux Tribe Environmental Office Building****January 8, 2014****10:30 am****Name****Representing**

Kelsey Knight	EPD District 4
LAKOTA S NOROVOLU	EPD DISTRICT 4
Brandie Jewett	EPD District 4
Lonny White Eyes	EPD District
Dash Del	EPD District 5
Misti Webb	EPD District 3
Jayne mostes	EPD District 5
Tater Ward	Landfill District 6
Robert Smith	District 2
Wayne Maynard	District 6
Carlyle Duesteneaux	District 6

Minutes from the
Swiftbird Day School Public Meeting
Held January 8, 2014
Cheyenne River Sioux Environmental Office, 10:30 am

Wayne Maynard comments were, it needs to be torn
down, it old & full of asbestos, etc on eye
sore.
Taton Ward take it down it falling down
anyways.

Comments on Hazardous Waste in the Building
take it all & get ~~all~~ all the waste gone.
the Snake Den issue came up.

the cost to fix it up was talked about
& no one had any idea where the
money would come from anyways. the
cost would equal the cost of a new
structure. they all thought.

303-421-8376

**Potential Discussion Topics for Public Meeting for Swiftbird Day School Cleanup
Grant Proposal, January 8, 2014, 10:30 am
Cheyenne River Sioux Environmental Office**

- **Comment:** Will there be asbestos left over after the cleanup and will it affect people in the area, especially children?
Answer: The asbestos will be cleaned up according to required procedures set by regulations. There should not be any asbestos left. Confirmation sampling procedures will be conducted after the cleanup to be sure that the asbestos and other contaminants are removed or appropriately dealt with. There will be a Cleanup Plan developed before the remediation begins that will cover all aspects of the cleanup and address all potential situation.
- **Comment:** Will the asbestos be airborne during the cleanup?
Answer: No, because the certified contractor hired to conduct the removal will use safety procedures that are established under the regulations to contain the asbestos. This may include wetting the area down and encapsulating it. Depending upon the recommendations of the contractor, people may be asked to leave the area for a while. We will have to wait and see what is recommended by the certified contractor knows how to handle the situation. The contractor has received training in Health and Safety regulations including the handling of asbestos. The Brownfields Coordinator has also received training in Asbestos and Lead Remediation. He has also received 40-Hour OSHA training that helps him recognize environmental situations. He will oversee the contractor's work.
- **Comment:** How will the asbestos be cleaned up?
Answer: The certified contractor will most likely bag-up what is called friable asbestos in a secure manner and take it to a landfill that accepts asbestos. Friable asbestos contains fibers that can be released to the environment and are not healthy to breath. The workers collecting the asbestos will most likely be wearing negative air pressure breathing apparatus so they won't breathe the asbestos fibers into their lungs. As was previously discussed, the area may be wetted down and encapsulated to contain the asbestos.
- **Comment:** Why would it be necessary to demolish the building to reach the contamination?
Answer: Some of the contamination has penetrated the building material or is buried behind walls, ceilings, floors, etc and demolition is required to reach all of the contamination. Because of the need to demolish to reach the contamination, it is not cost-effective to try and save the building. At that point, higher levels of contamination are removed and residual amounts are left within the debris which is usually accepted as construction debris at landfills.
- Other potential topics to discuss (take notes on topics, questions and answers)

- ✓ Lead paint contamination on outside siding and some inside surfaces – how will be handled
 - ✓ Guano –
 - ✓ Cistern –
 - ✓ UST –
 - ✓ Utilities will be turned off, if not already off
 - ✓ How site will be graded – seeded
 - ✓ Confirmation sampling will be completed after removal of structure to make sure all contamination was removed
 - ✓ What are potential reuses of site – so will site be cleaned up to residential levels in case homes are put there?
 - ✓ Where will contamination and debris be taken to? Will anything be recycled?
 - ✓ Mention an RFP will issued to hire a certified contractor, who will hire local subcontractors and labor (Tribal preference)
 - ✓ Mention there will be a public announcement at least two weeks prior to cleanup and safety and security measures will be taken
- Other topics??

Attachment E –Letters of Support

01/21/2014 15:11 319 Non-Point Source

(FAX) 605 964 1072

P.003/008



Cheyenne River Sioux Tribe
Environment and Natural
Resources Committee
(605) 964-6685

January 21, 2014

Mr. Robert Smith
Cheyenne River Sioux Tribe
Department of Environmental and Natural Resource, Brownfields Program
P.O. Box 590
Eagle Butte, SD 57625-0690

Dear Mr. Smith:

It is the responsibility of the Environment and Natural Resources Committee to provide oversight for the environment and public health and to oversee projects related to the environment and natural resources of the Tribe and Reservation. The Committee wants to express its support for the Brownfields Program under the Department of Environment and Natural Resources in applying for an Environmental Protection Agency (EPA) Brownfields Cleanup Grant for the old and abandoned Swiftbird Day School. There have been attempts to use the building as storage and to start other businesses in the old school, but unfortunately none of these ventures were lasting. The Tribe and Swiftbird Community have experienced difficulty in obtaining funding to deal with the school. It has become an eyesore, and an environmental, public health and safety issues.

If the Tribe is able to receive a Brownfields Cleanup Grant, the Committee will review and endorse the appropriate cleanup process and make recommendations on the project and to Tribal Council. Please feel free to contact me if you have any questions at (605) 964-6685.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rymand LeBeau', is written over a horizontal line.

Rymand LeBeau, Chairperson
Cheyenne River Sioux Tribe
Environment and Natural Resources Committee

CRST Eagle Project

Keith Annis, Project Director
(605) 964-6961

January 17, 2014

Mr. Robert Smith
Cheyenne River Sioux Tribe
Department of Environmental and Natural Resource, Brownfields Program
P.O. Box 590
Eagle Butte, SD 57625-0690

Dear Mr. Smith:

As Director of the Cheyenne River Sioux Tribe (CRST) Eagle Project, I am very pleased to express support for the Tribal Brownfields Program applying for an EPA Cleanup grant for the Old Swiftbird Day School property.

As you know, The CRST Eagle Project has a commitment of \$1.3 million in funding under the Tribal Equitable Compensation Act (TECA) to apply towards the project. The source of TECA's funding is from interest earned under the Missouri River Basin Pick-Sloan Plan of the 1944 Flood Control Act, which provides federal compensation to the Cheyenne River Sioux Tribe from the relocation of the old Cheyenne River Tribal Agency because of the Missouri River dam projects. We intend to create a sanctuary that will rehabilitate eagles and other raptors and permanently house ones that are not able to be released back to nature.

We have recently made a proposal to locate the sanctuary on the Old Swiftbird School site. The proposed redevelopment will be able to take advantage of the existing infrastructure including water, sewer, electricity, and roads. The CRST Eagle Project proposes to build three 20' x 150' sanctuary structures and administration building. The area is an ideal natural habitat for eagles and other raptors because of the natural breaks of the Great Plains leading to the Missouri River Valley. The nearby vast Oahe Dam and Reservoir provide an ample food source of fish and rodents. The CRST Eagle Project will create jobs, be an educational resource and a tourist draw.

The Bald Eagle is a sacred bird to the Cheyenne River Sioux Tribe and the proposed sanctuary will help reaffirm this spiritual relationship. Twenty years ago, it was uncommon to see Bald Eagles and Golden Eagles on the Cheyenne River Reservation, and today the chances are better.

Sincerely,


Keith Annis, Director
CRST Eagle Project



Cheyenne River Sioux Tribe
Environment and Natural Resource Department
P.O. Box 590, South Willow and Airport Road
Eagle Butte, SD 57625-0590
Phone - (605) 964-8558

January 17, 2014

Mr. Robert Smith
Cheyenne River Sioux Tribe
Department of Environmental and Natural Resource, Brownfields Program
P.O. Box 590
Eagle Butte, SD 57625-0690

Re: Cost-share match for the cleanup of the Old Swiftbird Day School

Dear Mr. Smith:

As the Director of the Department of Environment and Natural Resources, I am the supervisor over the Cheyenne River Sioux Solid Waste Program. In that capacity, I am providing the following cost-share match associated in support of the U.S. EPA Brownfields Cleanup Grant for the Old Swiftbird Day School. I strongly support a Hardship Waiver that will be submitted with the grant application in lieu of the Tribal Solid Waste Program covering the cost share as this will be on burden on the Tribe because it takes time away from normal usage of the Solid Waste Equipment.

Equipment usage, O&M and labor donated from Cheyenne River Sioux Solid Waste Department

- Front End Loader - \$300/hr. x 45/hrs. = \$13,500
- 2 Dump Trucks - \$190/hr. x 30/hrs. x2 trucks = \$11,400
- Truck and 40' flatbed Trailer - \$225/hr. x 30 hrs. = \$6,750
- Bucket Truck with Basket - \$80/hr. x 10 hrs. = \$800
- Mobile Crane - \$80/hr. x 8/hrs. = \$640.
- Tipping fee reduction at Tribal landfill for construction debris = estimated savings of \$6,910
- Total = \$ 40,000

Sincerely,

David Nelson, Director
Department of Environment and Natural Resources
Cheyenne River Sioux Tribe

Cheyenne River Sioux Tribe
Swiftbird/LaPlant Community District 6

January 22, 2014

Mr. Robert Smith
Cheyenne River Sioux Tribe
Department of Environmental and Natural Resource, Brownfields Program
P.O. Box 590
Eagle Butte, SD 57625-0690

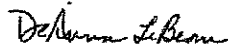
Dear Mr. Smith:

As a District 6 Representative for the communities of Swiftbird and LaPlant, I want to express support for the Cheyenne River Sioux Tribe Brownfield's Program in applying for EPA Brownfields Cleanup grants for the Old Swiftbird Day School.

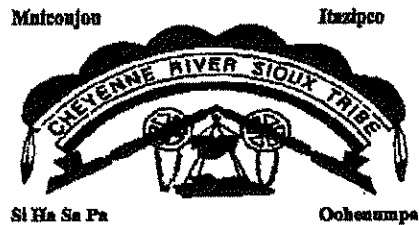
The building is an eyesore and is continuing to deteriorate. The assessment showed asbestos, lead and mold are being released to the environment. Additionally, the building is an attractive nuisance for people wanting to salvage and vandalize and poses numerous health and safety issues.

On behalf of the community, we will be pleased to help with support and look forward to being involved in the redevelopment of the site. We understand that an Eagle Sanctuary has been proposed for the site and a grant has been received to implement the project. The District will provide input on the cleanup and the redevelopment of the site.

Sincerely,



Deanna LeBeau
District Representative
(605) 964-4155



CHEYENNE RIVER SIOUX TRIBE
Administrative Officer
PO BOX 590
Eagle Butte, South Dakota 57625
Telephone: (605) 964-4155
Fax: (605) 964 4151
Email: lou.mendoza@crst-nsn.gov

MEMORANDUM

January 17, 2014

TO: Mr. Robert Smith

FR: Louis J. Mendoza, Administrative Officer and Acting Property & Supply Director

RE: Brownfields Program

As the acting Director of the Cheyenne River Sioux Tribe Property & Supply Program, I oversee the status and maintenance of Tribal structures on the Reservation and am in full support of the Tribal Brownfields Program. The Reservation has a large number of older buildings and residences and it has become a challenge to identify resources to maintain and remove the multitude of buildings.

Over the past few years I have been working closely with the Tribal Brownfields Program to coordinate our resources and better address these problems. We have worked together on several environmental assessments and cleanups of older structures.

The Property and Supply Program can provide oversight in coordination with the Tribal Brownfields Program on the cleanup of the former Swiftbird Day School.

Attachment F – Analysis of Brownfields Cleanup Alternatives (ABCA)

Swiftbird Day School: Analysis of Brownfields Cleanup Alternatives (ABCAs)

Analysis of Brownfields Cleanup Alternatives – Preliminary Evaluation for Swiftbird Day School in Community of Swiftbird Cheyenne River Reservation, SD

Tribal Contact: Robert Smith, Brownfields Coordinator, 605-964-6558

I. Introduction & Background

a. Site Location

It is located north off Highway 212, and west of junction BIA-7 in the Swiftbird Community on the Cheyenne River Reservation on Tribal Trust Land in Dewey County, South Dakota 57625.

b. Previous Site Use(s) and any previous cleanup/remediation

The single-story building is owned by the Tribe and located on Trust Land. The main section, built in 1989, was constructed on a slab. Two wings were built in 1992 with the floor sitting directly on the ground (no slab). The siding is fiberboard.

c. Site Assessment Findings

An asbestos inspection of several buildings including the Swiftbird Day School, was conducted prior to the transfer of the building from BIA to the Tribe by Gary N. Snow (certified asbestos inspector) in June 1995. Suspected asbestos samples were collected and sent for laboratory analysis and documented in a report. No remediation was conducted at this time.

An ASTM Phase II Environmental Assessment was conducted by a certified contractor (IECIS Group) in August 2012. The assessment detected Asbestos Containing Materials (ACM) in floor tiles and mastic throughout the lower level and stairway. ACM was also found in the tar of the roofing materials. Mold was observed in several areas of the basement rooms. Guano was throughout the building. Lead-based paint detected above EPA action levels was found on all exterior shingled siding and trim. The Tribe is proposing to remediate the contamination, demolish the building to reach all of the contamination, recycle what is possible and properly dispose of the contamination and debris.

d. Project Goal

The abandoned school presents a safety and environmental hazards to the community. Removing the school would alleviate the hazards and make the site available for reuse. A

proposal has been made by a Tribal member to redevelop the site into an Eagle Sanctuary.

e. Climate Change Impacts

The bald eagle is a sacred bird to the Cheyenne River Sioux Tribe and the proposed sanctuary will help reaffirm this spiritual relationship. Decreased reliance on the natural world has created a detachment with our young people and these messengers of the spirits. More than symbolically, we hope that care of these messengers can help guide us in the 21st Century. This sanctuary will provide educational resources and enjoyment to area schools, residents of the reservation, and promote tourism. Twenty years ago, it was uncommon to see a bald eagle on the Cheyenne River Reservation, and today the chances are better. The same can be said about Golden Eagles, with travelers witnessing the eagles feasting on road kill carcasses on a daily basis. Just as Bald Eagles populations have recovered across the nations from severe population declines, those and other raptors face new threats from climate change and man's impact on the earth. So called green energies of hydroelectric and wind energy negatively affect eagles also. In many ways we have sacrificed eagles for energy; either will raptor kills in wind turbines or decreased habitat along the unnatural shorelines of dammed rivers. But above all others, climate change may affect the eagle the most. Climate change is already affecting overwintering eagles in the Puget Sound area in warming the salmon carcasses to the point of rotting which results in 11% to 14% less biomass available, (Modeling climate change impacts on overwintering bald eagles, Chris J Harvey and others). This trend studied in one harbor of the United States, has far reaching consequences. But on the other end of the spectrum, the ability to save the lives of injured raptors has increased in the recent decades. It is very much our duty to help these messengers in the next era of the earth.

II. Applicable Regulations and Cleanup Standards

a. Cleanup Oversight Responsibility

The cleanup will be overseen by the Tribal Brownfields Program and Environmental Program, in coordination with U.S. EPA Region 8, and with assistance from IHS Circuit Riders. A certified contractor will be hired to conduct the cleanup.

b. Cleanup Standards for major contaminants

Because the site could be used for residential, commercial, business reuses, the more stringent residential standards based upon EPA Region 3 or Region 9 will be used as the cleanup standards.

c. Laws & Regulations Applicable to the Cleanup (*briefly summarize any federal, tribal, state, and local laws and regulations that apply to the cleanup*)

Laws and regulations that are applicable to this cleanup include the Federal Small Business Liability Relief and Brownfields Revitalization Act; the Federal Davis-Bacon Act; Tribal laws and regulations such as the cleanup contractor will be required to obtain a Tribal Business license, permits and pay TERO fees; and follow OSHA and EPA cleanup regulations and notifications. Federal and Tribal laws regarding procurement of contractors to conduct the cleanup will be followed. In addition, all appropriate permits

(e.g., notify before you dig, soil transport/disposal manifests) will be obtained prior to the work commencing.

III. Evaluation of Cleanup Alternatives

a. Cleanup Alternatives Considered (*minimum two different alternatives plus No Action*)

To address contamination at the Site, three different alternatives were considered, including:

- **Alternative #1: No action**
- **Alternative #2: Remediate and save the entire structure**
- **Alternative #3: Remediate, demolish to reach all contamination, recycle what is possible and properly dispose of contamination and construction debris**

ABCA option	Advantages	Disadvantages
1. No action	<ul style="list-style-type: none"> • No costs. 	<ul style="list-style-type: none"> • All contamination will still exist. • Health, environmental, and safety hazards remain and may worsen as the building deteriorates and becomes salvaged and vandalized. • An eyesore will remain. • The needs of the community will not be met since the site cannot be reused with the status quo situation. • No immediate costs, but potential high costs in future due to unlimited liability and deteriorating conditions.
2. Remediate and save entire structure (remediate accessible contamination, recycle, transport and properly dispose of contamination)	<ul style="list-style-type: none"> • Will remove accessible contamination (contamination and residue may be left in foundation, shell, building materials and in soil under foundation). • Some clean materials such as metal and concrete will be recycled reducing the disposal costs and amount of debris that needs to go to the landfill. • Removal of some contamination will reduce safety, health and environmental risks. • It will allow for reuse/redevelopment of the site. • New jobs will be created during cleanup and potential reuse. 	<ul style="list-style-type: none"> • Inaccessible contamination will still exist. • Community will need to identify funding for new reuse options. • If redevelopment funding is not found, site could deteriorate more remaining a health, safety and environmental hazard. It will remain an eyesore. • There are additional costs associated with renovating the building to meet compliance with codes and environmental and safety standards. • Estimated costs are \$75,000+ for remediation and \$150,000+ for redevelopment.
3. Remediate, demolish to reach all contamination, recycle what is possible and properly dispose of contamination and construction debris	<ul style="list-style-type: none"> • Will remove all contamination from structure and soil. • Will remove health, safety and environmental hazard. • Benefits from immediate reuse at no costs to community • Clean materials such as metal and concrete will be recycled reducing the disposal costs and amount of debris 	<ul style="list-style-type: none"> • Estimated costs are \$200,000 for remediation.

	that needs to go to the landfill. • It will allow for reuse/redevelopment of the site. • New jobs will be created during cleanup and reuse.	
--	---	--

b. Cost Estimate of Cleanup Alternatives (*brief discussion of the effectiveness, implementability and a preliminary cost estimate for each alternative*)

To satisfy EPA requirements, the effectiveness, implementability, and cost of each alternative must be considered prior to selecting a recommended cleanup alternative.

Effectiveness

- **Alternative #1: *No Action*** is not effective in controlling or preventing the exposure of receptors to contamination at the Site.
- **Alternative #2: *Mitigating the Contamination*** will remove most contamination from structure although it may be difficult to remove all the mold and stop it from reappearing and reach lead that has permeated building materials.
- **Alternative #3: *Mitigating the Contamination, Demolishing to Reach Contamination, and Properly Transporting and Disposing of Contamination and Debris Co-Mingled with Contamination*** is an effective way to eliminate risk at the site, since contamination will be removed and the exposure pathways will no longer exist.

Implementability

- **Alternative #1: *No Action*** is easy to implement since no actions will be conducted.
- **Alternative #2: *Mitigating the Contamination*** may be difficult especially in reaching all the mold and stopping it from reappearing and reaching lead that has permeated building materials. The structure will also attract transients and remain an eyesore, safety and health hazard.
- **Alternative #3: *Mitigating the Contamination, Demolishing to Reach Contamination, and Properly Transporting and Disposing of Contamination and Debris Co-Mingled with Contamination*** is moderately difficult to implement. Coordination (e.g., dust suppression and monitoring) during cleanup activities and short-term disturbance to the community (e.g., trucks transporting contaminated soils and backfill) are anticipated. However, ongoing monitoring and maintenance will not be required following excavation and offsite disposal and the site will be cleaned up and ready for redevelopment.

Cost

- **Alternative #1: *No Action***. There will be no costs.
- **Alternative #2: *Mitigating the Contamination***. It is estimated that will be on the order of \$75,000 for mitigation and \$150,000 to remodel building and bring up to codes.
- **Alternative #3: *Mitigating the Contamination, Demolishing to Reach Contamination, and Properly Transporting and Disposing of Contamination***

and Debris Co-Mingled with Contamination is estimated to cost roughly \$200,000.

c. Recommended Cleanup Alternative

The recommended cleanup alternative is **Alternative #3: *Mitigating the Contamination, Demolishing to Reach Contamination, and Properly Transporting and Disposing of Contamination and Debris Co-Mingled with Contamination***. All contamination will be removed and the site will be ready for redevelopment with no restrictions due to residue contamination. A health, safety and environmental hazard will be removed. Clean materials such as metal and concrete can be recycled reducing the disposal costs and amount of debris that needs to go to the landfill. New jobs will be created during cleanup and reuse.

Not Recommended - Alternative #1: *No Action* is unacceptable because all the contamination will still exist. Health, environmental, and safety hazards remain and may worsen as the building deteriorates and becomes salvaged and vandalized. An eyesore will remain. The needs of the community will not be met since the site cannot be reused with the status quo situation. There are potential high costs in future due to unlimited liability and deteriorating conditions.

Not Recommended - Alternative #2: *Mitigating the Contamination* is not preferred because some inaccessible contamination will still exist and the mold may reappear. If redevelopment funding is not identified, the site could continue to deteriorate and remain a health, safety and environmental hazard. An eyesore will remain. There will be additional costs associated with renovating the building to meet compliance with codes and environmental and safety standards.

Attachment H – Justification for Cost Share Waiver

The Cheyenne River Sioux Tribe is requesting a Hardship Waiver for the 20% Brownfields Cleanup Grant match. The Reservation encompasses both Dewey and Ziebach Counties in South Dakota, which are among the poorest counties in the State and Nation. Ziebach County was ranked the third poorest county in America in the 1980 Census, and the seventh poorest county in the 1990 census. The Tribe is supplying the following demographic information to support its request for a Hardship Waiver. Please note that the Tribe has received general but not detailed information from the 2010 U.S. Census. County information has been received, but comparison of Tribal and non-Tribal is not yet released.

- **The unemployment rate; 65 – 88 %**

The 2000 Census estimated the unemployment rate at 65%. Tribal estimates vary from 65% - 80%. The Department of the Interior Indian Labor Force Report estimated the unemployment rate at 88% in 2005 for the population of American Indians living on or in the service area nearby the Cheyenne River Reservation and eligible to receive BIA services (see below).

Labor Force: 10,704

Employed: 1,312

Unemployed: 9,392

Unemployment Rate: 88.0%

The BIA Labor Report also notes the average decade employment from 1970 through 2000 grew by 7 percent on the Cheyenne River Reservation, though the growth occurred primarily in the second half of that time period. These percentages are found by calculating the growth between the average employment level for an entire decade with the average employment level of the next. For the nine surrounding counties, average decade employment grew nearly 30 percent from the 1980s to the 1990s, and for South Dakota as a whole, by an impressive 47 percent and yet the Reservation only grew by 7 percent.

- **Per capita income;**

Reservation -Median Household Income: \$22,094 (2010 U.S. Census)

Reservation - Median Family Income: \$22,917 (2010 U.S. Census)

Families below poverty level – 31.4% (U.S. – 9.2%)

Individuals below poverty level – 41.5% (U.S. - 12.4%)

- **Data demonstrating substantial out-migration or population loss, if relevant;**

The 2000 Census reported the net migration was a negative 767 people. Although the 2000 Census reported the population increased by 10%, it was due to increased births. In the decade from 1990-2000, the U.S. Census showed a population growth of 10 percent for the Reservation outpacing South Dakota's growth by 2 percent. The Tribe has little industry and job opportunities and when the national or regional economy worsens as it has the past few years, Tribal members out of work return to their homeland. When this

happen, Tribal resources are stressed as an increased number of people rely on support services.

- **Data demonstrating underemployment, that is, employment of workers at less than full-time or at less skilled tasks than their training or abilities permit, if relevant;**
The economy is largely an agrarian farm/ranch and service based. Therefore, welfare is an important source of income for many families of unemployed Indians, and the economy is quite active on the first day of the month when checks are issued. Later in the month, the economy slows as people struggle to survive on the meager income. The BIA Labor Force Report also noted a majority of those employed are below the poverty level and the medium household income was \$24,579 (1999) for the Cheyenne River Reservation. The Report also stated 37 percent of all families in Dewey County and 61 percent in Ziebach County earned incomes below the federal poverty level in 1999. The BIA Labor Force Report stated 37 percent of all families in Dewey County and 61 percent in Ziebach County earned incomes below the federal poverty level in 1999.
- **Information regarding military base closures or realignments, defense contractor reductions-in-force, or U.S. Department of Energy defense-related funding reductions, if relevant;**
The Badlands Bombing Range overlaps the Reservation and has been subject to cleanup for many years with ongoing restoration and limited funding from responsible parties at the federal level.
- **Local natural or other major disasters or emergencies, if relevant;**
Ongoing testing for high mercury readings in the Cheyenne River from Homestake Gold Mine. Warnings are still issued on a regular basis. Also, see President-Declared Disasters below.
- **Information regarding extraordinary depletion of natural resources, if relevant;**
Loss of Reservation fertile agricultural land to construction of Oahe Dam on the Missouri river.
- **Closure or restructuring of industrial firms and negative effects of changing trade patterns, if relevant;**
Approximately two years ago, the Tribe lost the Cheyenne River Sioux Telecommunications Network Enterprise. Approximately 30 people were employed full time receiving benefits.
- **Whether you are located in a President-Declared Disaster area (declared within 18 months of the submission date for your proposal);**
Since the 1990's, the State of South Dakota including the Tribe have received numerous for President-Declared Disasters for flooding, droughts, and snow and ice storms. During the past 18 months declarations were received for ice storms and flooding and a tornado in 2009.
- **Whether you have exhausted effective taxing;**

The Tribe struggles with implementing taxes and fees among its Tribal residents.

- **Governmental entities only) and borrowing capacity.**

It is difficult for the Tribes to borrow because of the collateral requirements.

Where available, applicants must supply data derived from the most recent American Community Survey (“ACS”) published by the U.S. Census Bureau. In cases where such data are not available, applicants may provide data from other sources (including data available from the Census Bureau and the Bureaus of Economic Analysis, Labor Statistics, Indian Affairs, or other federal sources). In cases where no federal data are available, applicants may submit the most recent data available through their state, tribal, or local government.

Attachment G – Other Factors Checklist

	Other Factors	Page #
X	Community population is 10,000 or less.	<ul style="list-style-type: none"> • Cover Letter - P. 2 • P. 1
X	Federally recognized Indian tribe.	<ul style="list-style-type: none"> • Cover Letter, P. 2 • P. 1.
X	Applicant will assist a Tribe or territory - Applicant Assisting a Tribe. (<i>Applicant is a Tribe and cleanup project is for Tribe.</i>)	<ul style="list-style-type: none"> • Cover Letter, P. 2 • P 1.
X	Targeted brownfield sites are impacted by mine-scarred land (<i>Ongoing testing for high mercury readings in the Cheyenne River from Homestake Gold Mine. Warnings are still issued on a regular basis.</i>)	<ul style="list-style-type: none"> • P 2.
	Targeted brownfield sites are contaminated with controlled substances.	
X	Recent natural disaster(s) (2006 or later) occurred within community, causing significant community economic and environmental distress. (<i>The most recent FEMA Major Disaster Declarations were 11/2013 (DR-4155) SD Severe Winter Storm, Snowstorm, and Flooding and for an ice storm and flooding in 2010 and a tornado in 2009. We have received other past declarations for flooding, droughts, and severe storms.</i>)	<ul style="list-style-type: none"> • P. 2.
	Project is primarily focusing on Phase II assessments.	
X	Applicant demonstrates firm leveraging commitments for facilitating brownfield project completion by identifying amounts and contributors of funding in the proposal and have included documentation. (<i>Match from Solid Waste Department.</i>)	<ul style="list-style-type: none"> • PP. 8, 9, 10, 11.
X	Community experienced manufacturing plant closure(s) (2008 or later) tied to the targeted brownfield sites or project area, including communities experiencing auto plant closures due to bankruptcy or economic disruptions. (<i>In 2011, the Tribe lost the Cheyenne River Sioux Telecommunications Network Enterprise. Approximately 30 people were employed full time receiving benefits.</i>)	<ul style="list-style-type: none"> • P. 3.
X	Recent (2008 or later) significant economic disruption (unrelated to a natural disaster or manufacturing/auto plant closure) has occurred within community, resulting in a significant percentage loss of community jobs and tax base. (<i>The Badlands Bombing Range overlaps the Reservation and has been subject to cleanup for many years with ongoing restoration and limited funding from responsible parties at the federal level. Loss of Reservation fertile agricultural land to construction of Oahe Dam on the Missouri river.</i>)	<ul style="list-style-type: none"> • P. 2.
	Applicant is a recipient or a core partner of a HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant that is directly tied to the project area, and can demonstrate that funding from a PSC grant has or will benefit the project area. To be considered, applicant must attach documentation which demonstrates this connection to a HUD-DOT-EPA PSC grant.	
	Applicant is a recipient of an EPA Brownfields Area-Wide Planning grant	
	Community is implementing green remediation plans. - Community implementing green remediation plans	
X	Climate Change	<ul style="list-style-type: none"> • P. 13 • Attachment F-ABCAs